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February 15, 2024

Honorable Rukhsanah L. Singh, U.S.M.J.
United States District Court
Clarkson S. Fisher Building & US Courthouse
402 East State Street
Trenton, NJ 08608

Re: *Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices and Products Liability Litigation*
Case No.: 3:16-md-02738-MAS-RLS

Dear Judge Singh,

Pursuant to the Court's request, the parties jointly offer the following update on recent activities in the MDL.

- Defendants filed oppositions to plaintiff-filed motions to dismiss without prejudice in *Demelia* (3:17-cv-10971), *Pringle* (3:17-cv-06766), and *Smith* (3:17-cv-11212). Plaintiffs served reply briefs.
- The Morelli Law Firm filed a letter to the Court (Doc. No. 29020) requesting clarification of and/or relief from Case Management Order No. 9 and the Court's October 10, 2023 Order. Both Defendants and Plaintiffs filed a response to that letter, respectively (Doc. No. 29029 and Doc. No. 29035).
- Defendants filed a reply brief on February 13, 2024 (Doc. No. 29033) in support of the motion appealing the Special Master's ruling on the motion to amend the master complaint (Doc. No. 28922).
- Judge Schneider has scheduled a hearing on the Plaintiffs' Motion for Protective Order Regarding Subpoena to Northwell Health, Inc. and KCIC for February 23, 2024.
- The parties submitted a proposed case management order regarding procedures for addressing cases in which plaintiff profile forms are either overdue or have been produced with major deficiencies. (Doc. No. 29021.) The Court entered the order on February 13, 2024. (Doc. No. 29032.)
- Judge Porto held a case management conference in the New Jersey state court MCL on February 13, 2024.
- Judge Porto held a hearing on February 14, 2024, on the logistics for the March 25, 2024, evidentiary hearing on the Motion for an Order to Show Cause/Disqualification.

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- Judge Porto will conduct an evidentiary hearing on the Motion for an Order to Show Cause /Disqualification, with Judge Singh in attendance on March 25, 2024.
- Defendants completed the deposition of plaintiffs' expert Dr. Moorman on February 13, 2024.
- The parties have agreed to continue the depositions of plaintiffs' experts Drs. Clarke-Pearson (March 8) and Wolf (March 12) for the time limits set by the Court.
- The parties have agreed to seven-hour depositions of Dr. Cote (March 21) and Dr. Harlow (April 9). The parties have agreed to depose Dr. Singh on April 4 and Dr. Siemiatycki on March 27 but disagree on the amount of time – the Defendants would like seven hours given the supplements and amendments to their reports; Plaintiffs' position is that the depositions should be limited to four hours.
- The Defendants have requested that Plaintiffs provide two alternative dates plus locations for each of the remaining thirteen experts to be deposed. Plaintiffs are in the process of confirming additional dates and times for the remaining deponents.
- The parties disagree on the amount of time for the depositions of Drs. Godleski, Kessler, Longo, McTiernan, Rigler, Sage, Siemiatycki, Singh and Smith-Bindman. Plaintiffs agree to follow the Scheduling order entered by the Court on October 10, 2023 which provides that the depositions of general causation experts shall be limited to 4 hours of testimony and may only address new material contained in the supplemental report. Defendants disagree and propose 7 hours for each general causation expert except for Dr. Kessler for whom they are requesting 14 hours. Plaintiffs contend this proposal is contrary to the terms of the October 10, 2023, Order. The Defendants believe that the additional time is necessary in light of the significant supplementation and amendment of the reports. If the parties cannot resolve these issues this week, they seek permission to submit letters to the Court by the end of the day on February 21, 2024, outlining their respective positions in more detail.
- Defendants propose lifting the restriction that the depositions be limited to "new material" as there is a need to go back at times and challenge or explore opinions in light of new papers. Plaintiffs contend that this goes beyond the "scope" limitation of the October 10, 2023 Order, that limits the scope of the depositions to "new material". Plaintiffs rely upon the terms of the agreed to October 10, 2023, Order for the limits and scope of the depositions to the new material contained in the supplemental reports. The Parties will submit their dispute to the Court next week if it cannot be resolved informally.
- Defendants have corresponded with plaintiffs' lead counsel to assert deficiencies in responses to defendants' requests for production by plaintiffs' experts as follows:
 - Dr. Smith-Bindman (correspondence sent February 2, 2024)
 - Dr. Saed (correspondence sent February 2, 2024)
 - Dr. Godleski (correspondence sent February 12, 2024).

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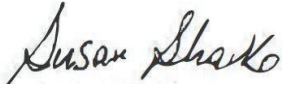
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- Defendants served a second set of requests for production on plaintiffs' expert Dr. Smith-Bindman on February 5, 2024.

Thank you for your consideration of these matters.

Respectfully submitted,

A handwritten signature in black ink that reads "Susan Sharko". The signature is written in a cursive, flowing style.

Susan M. Sharko
FAEGRE DRINKER BIDDLE & REATH LLP

SMS/emf

cc: All Counsel (via ECF)
Michelle Parfitt, Esq. via e-mail
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